

SB3398



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3398

Introduced 2/14/2014, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-819

from Ch. 95 1/2, par. 3-819

625 ILCS 5/18b-101

from Ch. 95 1/2, par. 18b-101

Amends the Illinois Vehicle Code. Defines "covered farm vehicles" under the Illinois Motor Carrier Safety Law. Provides that when trailers registered as farm trailers are hauled by a motor vehicle of the second division that is 12,000 pounds or less that is not registered as a farm truck, that truck is subject to privileges and limitations on use as though it were registered as a farm truck. Effective immediately.

LRB098 17325 MLW 52421 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 3-819 and 18b-101 as follows:

6 (625 ILCS 5/3-819) (from Ch. 95 1/2, par. 3-819)

7 Sec. 3-819. Trailer; Flat weight tax.

8 (a) Farm Trailer. Any farm trailer drawn by a motor vehicle
9 of the second division registered under paragraph (a) or (c) of
10 Section 3-815 and used exclusively by the owner for his own
11 agricultural, horticultural or livestock raising operations
12 and not used for hire, or any farm trailer utilized only in the
13 transportation for-hire of seasonal, fresh, perishable fruit
14 or vegetables from farm to the point of first processing, and
15 any trailer used with a farm tractor that is not an implement
16 of husbandry may be registered under this paragraph in lieu of
17 registration under paragraph (b) of this Section upon the
18 filing of a proper application and the payment of the \$10
19 registration fee and the highway use tax herein for use of the
20 public highways of this State, at the following rates which
21 include the \$10 registration fee:

22 SCHEDULE OF FEES AND TAXES

23 Gross Weight in Lbs. Class Total Amount

1	Including Vehicle		each
2	and Maximum Load		Fiscal Year
3	10,000 lbs. or less	VDD	\$60
4	10,001 to 14,000 lbs.	VDE	106
5	14,001 to 20,000 lbs.	VDG	166
6	20,001 to 28,000 lbs.	VDJ	378
7	28,001 to 36,000 lbs.	VDL	650

8 When any trailer registered under this subsection is drawn
9 by a motor vehicle of the second division registered for 12,000
10 pounds or less under subsection (a) of Section 3-815 of this
11 Code or under subsection (a) of Section 3-818 of this Code,
12 that motor vehicle shall comply with the limitations on use and
13 shall be eligible for any privilege as though the motor vehicle
14 was registered under subsection (c) of Section 3-815 of this
15 Code, except that vehicles registered under Section 3-818 of
16 this Code shall also comply with all restrictions and
17 requirements provided in that Section.

18 An owner may only apply for and receive two farm trailer
19 registrations.

20 (b) All other owners of trailers, other than apportionable
21 trailers registered under Section 3-402.1 of this Code, used
22 with a motor vehicle on the public highways, shall pay to the
23 Secretary of State for each registration year a flat weight
24 tax, for the use of the public highways of this State, at the
25 following rates (which includes the registration fee of \$10
26 required by Section 3-813):

1 SCHEDULE OF TRAILER FLAT

2 WEIGHT TAX REQUIRED

3 BY LAW

4 Gross Weight in Lbs.		Total Fees
5 Including Vehicle and		each
6 Maximum Load	Class	Fiscal Year
7 3,000 lbs. and less	TA	\$18
8 5,000 lbs. and more than 3,000	TB	54
9 8,000 lbs. and more than 5,000	TC	58
10 10,000 lbs. and more than 8,000	TD	106
11 14,000 lbs. and more than 10,000	TE	170
12 20,000 lbs. and more than 14,000	TG	258
13 32,000 lbs. and more than 20,000	TK	722
14 36,000 lbs. and more than 32,000	TL	1,082
15 40,000 lbs. and more than 36,000	TN	1,502

16 (c) The number of axles necessary to carry the maximum load
 17 provided shall be determined from Chapter 15 of this Code.

18 (Source: P.A. 96-328, eff. 8-11-09.)

19 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

20 Sec. 18b-101. Definitions. Unless the context otherwise
 21 clearly requires, as used in this Chapter:

22 "Agricultural commodities" means any agricultural
 23 commodity, non-processed food, feed, fiber, or livestock,
 24 including insects.

25 "Agricultural operations" means the operation of a motor

1 vehicle or combination of vehicles transporting agricultural
2 commodities or farm supplies for agricultural purposes.

3 "Air mile" means a nautical mile, which is equivalent to
4 6,076 feet or 1,852 meters. Accordingly, 100 air miles are
5 equivalent to 115.08 statute miles or 185.2 kilometers.

6 "Commercial motor vehicle" means any self propelled or
7 towed vehicle used on public highways in interstate and
8 intrastate commerce to transport passengers or property when
9 the vehicle has a gross vehicle weight, a gross vehicle weight
10 rating, a gross combination weight, or a gross combination
11 weight rating of 10,001 or more pounds; or the vehicle is used
12 or designed to transport more than 15 passengers, including the
13 driver; or the vehicle is designed to carry 15 or fewer
14 passengers and is operated by a contract carrier transporting
15 employees in the course of their employment on a highway of
16 this State; or the vehicle is used or designed to transport
17 between 9 and 15 passengers, including the driver, for direct
18 compensation; or the vehicle is used in the transportation of
19 hazardous materials in a quantity requiring placarding under
20 the Illinois Hazardous Materials Transportation Act. This
21 definition shall not include farm machinery, fertilizer
22 spreaders, and other special agricultural movement equipment
23 described in Section 3-809 nor implements of husbandry as
24 defined in Section 1-130;

25 "Covered farm vehicle", for purposes of this Chapter and
26 rule making under this Chapter, means a straight truck or

1 articulated vehicle, excluding vehicles transporting hazardous
2 materials of a type or quantity that requires the vehicle to be
3 placarded in accordance with the Illinois Hazardous Materials
4 Transportation Act, registered in this State or another state
5 and equipped with a special license plate or other designation
6 by the state in which the vehicle is registered identifying the
7 vehicle as a farm vehicle for law enforcement personnel and:

8 (1) is operated by a farm or ranch owner or operator,
9 or an employee or family member of the farm or ranch owner
10 or operator; and

11 (2) is being used to transport the following to or from
12 a farm or ranch:

13 (A) agricultural commodities;

14 (B) livestock; or

15 (C) machinery or supplies; and

16 (3) if registered in this State, is:

17 (A) registered as a farm truck under subsection (c)
18 of Section 3-815 of this Code; or

19 (B) operated in combination as an articulated
20 vehicle where the truck in the combination is
21 registered for 12,000 pounds or less under paragraph
22 (a) of Section 3-815 of this Code or paragraph (a) of
23 Section 3-818 of this Code and the trailer in the
24 combination is registered as a farm trailer under
25 paragraph (a) of Section 3-819 of this Code and
26 displays a farm registration license plate; or

1 (C) a truck registered for 12,000 pounds or less
2 under subsection (a) of Section 3-815 of this Code or
3 subsection (a) of Section 3-818 of this Code towing an
4 implement of husbandry as part of a farming operation;
5 and

6 (4) is not used in for-hire motor carrier operations,
7 except for the transport of a landlord's portion of crops
8 by a tenant under a crop share farm lease agreement; and

9 (5) has a gross vehicle weight rating (GVWR), a gross
10 combination weight rating (GCWR), or a gross vehicle weight
11 or gross vehicle combination weight, whichever is greater,
12 that is:

13 (A) 26,001 pounds or less, for vehicles operating
14 in interstate commerce; or

15 (B) greater than 26,001 pounds, traveling in
16 interstate commerce and registered in this State; or

17 (C) greater than 26,001 pounds and traveling in
18 interstate commerce within 150 miles of the farm or
19 ranch for which the vehicle is being operated,
20 regardless of whether it is registered in this State;

21 or

22 (D) greater than 10,000 pounds and traveling
23 intrastate.

24 "Direct compensation" means payment made to the motor
25 carrier by the passengers or a person acting on behalf of the
26 passengers for the transportation services provided, and not

1 included in a total package charge or other assessment for
2 highway transportation services;

3 "Farm supplies for agricultural purposes" means products
4 directly related to the growing or harvesting of agricultural
5 commodities and livestock feed at any time of the year;

6 "Livestock" means cattle, sheep, goats, swine, poultry
7 (including egg-producing poultry), fish used for food, and
8 other animals designated by the Secretary of the United States
9 Department of Transportation (at his or her sole discretion)
10 that are part of a foundation herd (including producing dairy
11 cattle) or offspring;

12 "Officer" means Illinois State Police Officer;

13 "Person" means any natural person or individual,
14 governmental body, firm, association, partnership,
15 copartnership, joint venture, company, corporation, joint
16 stock company, trust, estate or any other legal entity or their
17 legal representative, agent or assigns.

18 (Source: P.A. 97-795, eff. 1-1-13.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.